REMARKS

In response to the final Official Action of April 01, 2004, claims 21 and 22 have been rewritten in independent form. As such, these claims are believed to be allowable since at page 30 of the Official Action it states that claims 21 and 22 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Such amendment has been made. Reconsideration of the rejection of claims 1-20 and 23-53 is respectfully requested for the reasons presented below.

Claim 1

Referring to pages 2 and 3 of the Official Action, it is respectfully submitted that claim 1 is distinguished over US Patent No. 5,510,811 (Tobey et al.) and reconsideration of the allowability of claim 1 is respectfully requested. More particularly, the Examiner states at pages 2 and 3 of the final Official Action in the section entitled "Response to Arguments" that he does not agree with the argument presented in applicant's communication of December 18, 2003, in which applicant argued that the "Random Roam" mode of Tobey et al. does not require that each node in a particular direction be moved to by the cursor in a step movement. The Examiner particularly points out that with regard to the "Random Roam" mode, Tobey et al. states at column 7, lines 12-15, that if the user momentarily depresses one of the arrow portions of the direction control button 12, the computer will cause the cursor to move a short distance in the selected direction. The Examiner is of the point of view that a "short distance" (as set forth at column 7, lines 12-15) means from node to node. This argument requires that the phrase "short distance" is the same as node to node as described and claimed in the present application. It is respectfully submitted that Tobey et al. does not make any statement therein that a "short distance" means from one node to another node. Nowhere does Tobey et al. state that the "short distance" cannot have a cursor movement therebetween if the control button 12 was in a continuous movement. As such, "short distance" is not necessarily the same as one node to another node as claimed in claim 1.

Assuming however that such an equivalence can be reasonably assumed, it is still nevertheless presented that claim 1 is distinguished over Tobey et al.. Claim 1 specifically points

out and claims that the "plurality of spaced nodes" are "defined based on the locations of said functional display regions." That is, the functional display regions are what dictate the spaced definition of the nodes rather than the nodes dictating the location of the functional display regions. Tobey et al. does not define positions of the cursor in the sense of identifying, in advance, a complete set of possible cursor positions. Tobey et al. is completely silent in this regard. Instead, a cursor position temporarily exists when the user moves the cursor to that position, such as in the Random Roam mode when the four direction control button 12 is momentarily depressed. For example, the user may move the cursor stepwise as just explained in the Random Roam mode, as well as able to move the cursor continuously in Random Roam mode when the four direction control button 12 is held in a depressed position for one of its four directions. However, any continuous movement of the cursor in the Random Roam mode will thereafter change where the cursor can subsequently move in a "short distance." Therefore, even though a cursor may have visited a given point on a graphical display, that point is not defined in the sense of the present invention; i.e., a node in a plurality of spaced nodes that are defined based on the location of functional display regions.

In this regard, claim 1 specifies that the functional display regions and therefore the nodes are arranged in a mesh at the intersection of two sets of spaced lines. Because the nodes are defined based upon the intersection of two sets of spaced lines extending in first and second predetermined transverse directions, this necessarily implies that the spaced lines are defined before the nodes rather than the other way around. This is not the case in Tobey et al.. As is argued in the final Official Action, the lines (if one assumes that they exist for purposes of argument) in Tobey et al. are defined based upon cursor positions, that is in the reverse order as required by claim 1. The Examiner is of the opinion that Tobey et al. implies that the location and spacing of the nodes is defined based on the location of the functional display regions, but there is absolutely no disclosure in Tobey et al. making or suggesting that assertion. The fact that Tobey et al. may allow cursor movements in very fine resolution, which necessarily requires that a node be present for each functional display region, does not in any way require that the spacing of the nodes be based upon the functional display regions.

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In addition, the continuous movement in the Random Roam mode does not in any way state that the location of the cursor will be the same as the short distance movement when the four direction control button 12 is momentarily depressed. This therefore gives rise to the situation where it is unclear if there is any determination of the nodes based on a first and second set of spaced lines that are traverse to each other. In other words, the continuous movement of the cursor in the Random Roam mode will thereafter change where a short distance movement will cause the cursor to finish, and this would thereby upset any "lining up" of possible positions on a first or second set of spaced lines if such lines are considered to exist in Tobey et al. The following example may make this point clear, in which the cursor passes through seven positions:

Starting at a first point, the cursor is moved to the right by one step (momentarily depressing the right control button 12).

The cursor is then moved one step up (momentarily depressing the up control button).

The cursor is moved to the left a little amount by having the Random Roam mode in its continuous movement state by holding the left control button.

The cursor is moved one short distance to the left by momentarily depressing the left control button.

The cursor is moved one step up by momentarily depressing the up control button.

The cursor is moved one step to the right by momentarily depressing the right control button.

If this sequence of movements is drawn, it is clear that a straight line cannot be drawn through the two end points of the cursor movement and a middle point of the cursor since the cursor is not necessarily at that middle point due to the fact that when the cursor was first moved to the left, it was moved to the left using continuous movement (see Attachments A and B).

What this example demonstrates is that the cursor movement in Tobey et al. is not defined by functional display regions, wherein those functional display regions and nodes are arranged in a mesh at the intersection of a first and second set of spaced lines that are traverse to each other. The disclosure in Tobey et al. with regard to the Random Roam mode simply discloses a device in which a cursor can be moved but does not disclose a device in which the cursor can be moved from

node to node, wherein such nodes are arranged in a mesh at the intersection of two sets of spaced lines, such that these nodes are defined based upon the location of functional display regions.

It is therefore respectfully submitted that the Examiner's argument that Tobey et al. discloses step movement from node to node in response to momentarily depressing the control button, and therefore that it is necessary that at least one node be located on each functional display region, and thus the spacing of the nodes is defined by the location of the functional display regions, is believed to be flawed for the following reasons:

First, Tobey et al. describes two ways in which the cursor can move in Random Roam mode, namely stepwise and continuously. The user can reach a hotspot (as used in Tobey et al.) by continuously moving the cursor. Thus it is possible to move from one hotspot to another hotspot which does not have a "node," therefore it is not necessary that at least one node be located in each hotspot. Nowhere in Tobey et al. is the random movement of the cursor equated to a node-to-node movement, and thus if the Random Roam mode allows the cursor to be moved from hotspot to hotspot, there is no implication that a node be located in that hotspot.

Secondly, the Examiner argues that incremental step movements define possible screen positions that are considered to be "nodes." If this argument is true, then the same set of "nodes" are defined regardless of the position and density of hotspots. In fact, "nodes" would be defined even if no hotspots were displayed; thus, contrary to the Examiner's assertion, the "nodes" are not defined based on the location of hotspots.

Furthermore, even if short distance movement of the cursor can be used to reach all hotspots, it does not necessarily follow that a "node" has been located at the hotspot that is defined based on the location of the hotspot. Instead it is more likely that the hotspots are designed to be sufficiently large so as to be visible to a user and selectable by a user using existing pointing devices such as the apparatus disclosed in Tobey et al. Therefore, in Tobey et al., it is not the nodes that are defined based on the hotspots, but the hotspots that are defined based upon the "nodes." It is this distinction which is believed to make claim 1 allowable in view of Tobey et al.. In short, Tobey et al. does not teach or suggest a plurality of spaced nodes defined based upon the location of said functional display regions. It is therefore respectfully submitted that claim 1 and the dependent claims thereto (claims 2-15) are distinguished over Tobey et al..

Further arguments concerning the dependent claims to claim 1 are presented below.

Claim 4

With respect to claim 4, the Examiner maintains that because Tobey et al. states that the cursor *could* move a fixed number of pixels each time the user inputs a directional command, Tobey et al. therefore implies that there could be a first set of spaced lines that are "non-equally spaced." It is respectfully submitted that this argument is interpreting Tobey et al. with the knowledge of the present invention and is therefore inappropriate. Having been taught that the cursor moves a fixed distance, a person skilled in the art is unlikely to interpret the phrase "the computer could move the cursor a fixed number of pixels" to mean that the computer moves the cursor and the number of pixels can be changed from one step to another. Thus regarding the phrase in context, a person of ordinary skill in the art would conclude that the cursor can be moved each time the user depresses the four direction control button, but that it is moved a fixed distance each time. Thus, Tobey et al. includes the following passage at column 6, lines 23-43:

> "... Each time the user depresses the function control button **14**, the computer **16** moves the cursor on the computer-controlled display **18** *one unit of distance* in the direction highlighted on the four direction movement indicator **36**. In the example above, if the user changes the desired direction of cursor movement from "down" to "right," the computer **16** will move the cursor to the right *one unit of distance* each time the user depresses the function control button **14**.
>
> It should be noted that *the* unit of distance may be suitably selected for a particular program or the contents of a particular program state on the computer-controlled display **18**. The unit of distance may be measured in pixels or any other suitable units of measurement. For example, in one screen mode the computer **16** could move the cursor a *fixed* number of pixels each time the user depresses the function control button **14**. If the computer-controlled display **18** is in a magnified mode, for example, the computer **16** may move the cursor a smaller number of pixels each time the user depresses the function control button **14**.
>
> Alternatively, the system **9** can be configured so that the user...." (*emphasis added*)

From this passage, a person of ordinary skill in the art is clearly taught that the cursor moves a unit of distance at a time, that is, a fixed amount. Secondly, a skilled person is taught that the unit of distance is selected according to the application or display mode. Thus, two examples are given; namely:

"...in one screen mode the computer **16** could move the cursor a fixed number of pixels each time the user depresses the function control button **14**."

and

"...in a magnified mode...the computer **16** may move the cursor a smaller number of pixels each time the user depresses the function control button **14**."

Thus the examples are given to illustrate the teaching; namely, that a unit of distance can be selected for a given screen mode. It would be illogical to teach this and then give examples which illustrate a different or even contradictory teaching. Moreover, the words "could" and "may" are used to indicate that the two examples are alternatives, in a similar way of saying "I *could* stay in" or "I *may* go out."

Thus, a person of ordinary skill in the art would read the examples as stating that the computer, in one mode, could move the cursor a fixed number of pixels each time *or*, in another mode, move the cursor a smaller number of pixels each time; that is, the number of pixels are fixed each time. For all of the foregoing reasons, it is respectfully submitted that claim 4 is further distinguished over Tobey et al.

Claim 15

The claims must be given their broadest interpretation consistent with the specification as well as consistent with the interpretation of those of ordinary skill in the art. As such, the term "handle" is a term of art which would be understood by those skilled in the art and in particular it is used as an alternative to the term "box." In support thereof, a list of definitions of "scroll bar" obtained through a Google website is enclosed as Attachment C. A definition of the scroll bar includes a reference to a scroll handle.

In addition, Figure 14 of the present application clearly shows that the handle is located within the scroll bar and not at the ends. This is believed to reinforce the definition of the term "handle" as used in the claims, and it is respectfully submitted that Tobey et al. does not describe a node disposed on a handle of a scroll bar. For this reason, it is respectfully submitted that claim 15 is further distinguished over Tobey et al..

For the same reasons as presented above with regard to claim 1, it is respectfully submitted that independent claims 16-18, 23-25, 28 and 45-47 are distinguished over Tobey et al.. With regard to claims 43 and 44, which were presented in independent form in applicant's amendment of December 18, 2003, it is submitted that these claims are distinguished over Tobey et al. for the same reasons submitted above with regard to claim 1 and for the reasons submitted in the arguments presented in applicant's previous amendment with regard to claims 7-9.

Since independent claims16-18, 23-25, 28 and 43-47 are distinguished over the cited art, it is respectfully submitted that the dependent claims thereto are also distinguished over the cited art.

It is noted that claims 19 and 20 are rejected as anticipated under 35 USC §102(e) in view of US Patent No. 6,034,684 (Proehl et al.). Claim 19 defines a method of configuring a mesh by use of first and second functional display regions and associated minimum and maximum co-ordinate values associated therewith. Proehl et al. is directed to data items arranged in groups with each group represented by a graphical object (called a landmark). The grid lines referred to at column 3, lines 42-51, are simply for placing a landmark over a group of data items. There is no discussion in Proehl et al. as to the use or desirability of determining minimum and maximum co-ordinate values for first and second functional display regions. Furthermore, the reference to Figure 6 of Proehl et al. simply states that landmarks are displayed so as to maintain relative spacing (see column 5, lines 5-22). In fact, the grid lines discussed therein specifically state these grid lines may merge with each other during relative positioning. Such merger of grid lines is antithetical to the method of configuring a mesh as set forth in claim 19. Therefore, it is respectfully submitted that claim 19 is not anticipated by Proehl et al.

Claim 19 is also rejected under 35 USC §103 as obvious in view of Tobey et al. further in view of US Patent No. 6,034,689 (White) and 6,317,885 (Fries). For the reasons presented above with respect to claim 1, claim 19 is not believed to be suggested by Tobey et al., nor further in view

of White and Fries. It is not seen how White, which is directed to a television used to display web pages using a remote control, and Fries, which is directed to a method whereby a television presents Internet web pages to a user, would suggest claim 19. Furthermore, the Examiner gives no motivation as to why these three references would be combined in the manner as argued at page 29 of the final Official Action. It is therefore respectfully submitted that claim 19 is not suggested by the combination of Tobey et al. with White and Fries.

Since claim 19 is not anticipated by Proehl et al., dependent claim 20 is also believed non-anticipated by Proehl et al. Similarly, since claim 19 is believed to be distinguished over Tobey et al. in view of White and Fries, claim 20 is also distinguished over these references.
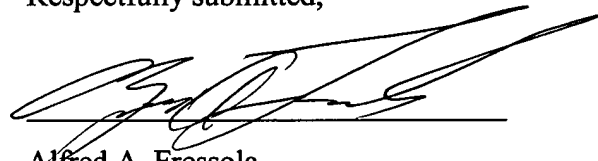
It is noted that claims 54-56 are allowed.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance, and such action is earnestly solicited.

The Examiner is invited to contact applicant's attorney at the number below if there are any questions.

Respectfully submitted,

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